IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 29550 of 2007(P)

PETITIONER:

V.XAVIER, "BOOTS", MAIN ROAD, KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENTS:

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1. THE DEPUTY COMMISSIONER (APPEALS)-II, COMMERCIAL TAXES, KOLLAM.

2. THE COMMERCIAL TAX OFFICER (AUDIT ASSESSMENT), O/O ASSISTANT COMMISSIONER (AUDIT ASSESSMENT), COMMERCIAL TAXES, KOLLAM.

BY GOVERNMENT PLEADER SRI. M.P. SREEKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ANTONY DOMINIC,J.

W.P (C) No.29550 of 2007

Dated this the 5th October, 2007

J U D G M E N T

The prayer in this writ petition is to quash Exhibits P4 and P4 (a) by which stay has been granted by the appellate authority on condition that the petitioner remits 50% of the amount. Exhibits P2 and P2 (a) appeals were filed by the petitioner against Exhibits P1 and P1 (a) orders. It is in the stay petitions filed along with the appeals, that the impugned order is passed. The appellate authority having exercised its discretionary power, I do not find any reason warranting interference.

However, the time granted by the appellate authority for payment will stand extended by three weeks.

The writ petition is dismissed.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007